

Greenberg Traurig, LLP
Suite 500 North, 3773 Howard Hughes Parkway
Las Vegas, Nevada 89109
(702) 792-3773
(702) 792-9002 (fax)

Mark G. Tratos (Bar No. 1086)
GREENBERG TRAURIG
3773 Howard Hughes Parkway
Suite 500 North
Las Vegas, NV 89109
Tel: (702) 792-3773
Fax: (702) 792-9002

Alan N. Sutin (*pro hac vice* pending)
Daniel I. Schloss (*pro hac vice* pending)
GREENBERG TRAURIG LLP
200 Park Avenue
New York, NY 10166
Tel: (212) 801-9200
Fax: (212) 801-6400

Kenneth A. Plevan (*pro hac vice* pending)
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
4 Times Square
New York, NY 10036
Tel: (212) -
Fax: (212) -

Attorneys for Defendants
THE EL-AD GROUP, LTD, EL AD PROPERTIES
LAS VEGAS, LLC, EL AD LAS VEGAS, LLC,
CPS 1 REALTY, LP, and PLAZA HOLDINGS, LLC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TAMARES LAS VEGAS PROPERTIES,
LLC,

Plaintiff,

v.

THE EL-AD GROUP, LTD.; EL AD
PROPERTIES LAS VEGAS, LLC and EL-
AD LAS VEGAS, LLC,

Defendants.

CASE NO.

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(b)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants THE EL-AD GROUP, LTD.; EL AD
PROPERTIES LAS VEGAS, LLC and EL-AD LAS VEGAS, LLC ("EL-AD"), hereby remove
to this Court the State court action described below:

1 1. On August 9, 2007, an action was commenced in the District Court, Clark
2 County Nevada entitled *Tamares Las Vegas Properties, LLC v. The El-Ad Group, Ltd., et*
3 *al.*, Case No. A546046. The Complaint seeks, among other things, a preliminary injunction
4 preventing El-Ad from using its federally registered trademarks in Nevada. A copy of the
5 Complaint is attached hereto as Exhibit "A."

6 2. On August 10, 2007, Defendant El-Ad Las Vegas, LLC, was served with the
7 summons and the Complaint in said action. A file-stamped copy of the Summons is
8 attached hereto as Exhibit "B."

9 3. On August 10, 2007, Defendant El-Ad Properties Las Vegas, LLC was served
10 with the Summons and Complaint in said action. A file-stamped copy of the Summons is
11 attached hereto as Exhibit "C."

12 4. On August 9, 2007, Defendant El-Ad Group Ltd., was served with the
13 Summons and Complaint in said action. No copy of the Summons was filed by the Plaintiff.

14 5. On Thursday, September 6, 2007, Tamares filed its Reply in Support of its
15 Motion for Preliminary Injunction wherein it asserted that El-Ad's federal "trademark
16 registration should be cancelled" for abandonment pursuant to 15 U.S.C. § 1064(3) and 15
17 U.S.C. § 1127. Plaintiff's Opposition and Reply at p. 16.

18 6. This action is a civil action of which this Court has original jurisdiction under
19 28 U.S.C. § 1331. This action may be removed from the State court by Defendants
20 pursuant to the provisions of 28 U.S.C. §1441(b) because it is a civil action founded on a
21 claim or right arising under the Constitution, treaties, or laws of the United States.

22 7. Plaintiff alleges in its Complaint claims for (i) state trademark infringement
23 under NRS 600.420; (ii) state trademark dilution under NRS 600.435; (iii) deceptive trade
24 practices under NRS 598.0903, *et seq.*; and (iv) substantial and related claims of trademark
25 infringement and unfair competition under the common law of the State of Nevada.

26 8. Through a wholly-owned subsidiary holding company, Defendants own the
27 following federal trademark registrations:

28 a) THE PLAZA, U.S. Reg. No. 1,389,501, for hotel and restaurant

services. The application that matured into a registration was filed on September 9, 1985, the registration issued on April 8, 1986, and recites a first use date of December 31, 1906. A copy of the registration is attached hereto as Exhibit D.



b) *The Plaza*

U.S. Reg. No. 1,455,862, also for hotel and restaurant services. The application that matured into a registration was filed on November 21, 1986, the registration issued on September 1, 1987, and recites a first use in commerce date of December 31, 1906. A copy of the registration is attached hereto as Exhibit E.

c) **QP** U.S. Reg. No. 1,217,869, for nightclub, hotel, restaurant, and catering services. The application that matured into a registration was filed on August 25, 1980, the registration issued on November 23, 1982, and recites a first use in commerce date of December 31, 1906. A copy of the registration is attached hereto as Exhibit F.

All three of these registrations are "incontestable" as that term is defined in 15 U.S.C. § 1065.

9. Also on August 9, 2007, Plaintiff filed a Motion for Preliminary Injunction in State Court. A copy of the Motion is attached hereto as Exhibit G.

10. Defendants filed their Opposition to Motion for Preliminary Injunction and Countermotion to Dismiss on August 23, 2007. A copy of the Opposition and Countermotion is attached hereto as Exhibit H.

11. On September 4, 2007, Plaintiff filed its Reply in Support of its Motion for Preliminary Injunction and Opposition to Defendants' Countermotion to Dismiss. A copy of the Reply and Opposition is attached hereto as Exhibit I.

1 12. For the first time in Plaintiff's Reply and Opposition, Plaintiff attacks
2 Defendants' federal trademark registrations and federal trademark rights in multiple ways,
3 alleging that these federal registrations: (i) cannot be asserted by Defendants merely
4 because they are owned by a subsidiary holding company controlled by Defendants; and
5 (ii) should be cancelled; and (iii) and that Defendants' nationwide federal rights do not apply
6 in the State of Nevada. See Plaintiff's Reply and Opposition at pp. 11-21.

7 13. The federal question requirement for removal of the State action to this Court
8 is hereby met.

9 14. Defendant's Notice of Removal was timely filed.

10 DATED this 7 day of September, 2007.

11
12 By: 

13 Mark G. Tratos (Bar No. 1086)
14 GREENBERG TRAUERIG
15 3773 Howard Hughes Parkway
16 Suite 500 North
17 Las Vegas, NV 89109
18 Tel: (702) 792-3773
19 Fax: (702) 792-9002

20 *Attorneys for Defendants THE EL-AD*
21 *GROUP, LTD, EL AD PROPERTIES*
22 *LAS VEGAS, LLC, EL AD LAS VEGAS,*
23 *LLC, CPS 1 REALTY, LP, and PLAZA*
24 *HOLDINGS, LLC*
25
26
27
28

Greenberg Traurig, LLP
Suite 500 North, 3773 Howard Hughes Parkway
Las Vegas, Nevada 89109
(702) 792-3773
(702) 792-9002 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2007, I served the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1331** on:

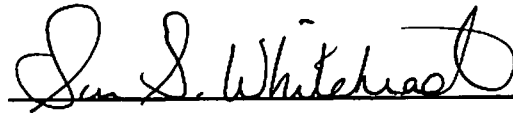
Daniel F. Polsenberg
LEWIS & ROCA, LLP
530 Las Vegas Blvd., South
Las Vegas, Nevada 89101

William R. Golden, Jr.,
Michelle M. Graham
KELLEY DRYE & WARREN, LLP
101 Park Avenue
New York, New York, 10178

Attorneys for Plaintiff

by causing a full, true, and correct copy thereof to be sent by the following indicated method or methods, on the date set forth below:

- ☒ by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service.
- ☐ by hand delivery.
- ☐ by sending via overnight courier in a sealed envelope.
- ☐ by faxing to the attorney at the fax number that is the last-known fax number.
- ☐ by electronic mail to the last known e-mail address.



CERTIFICATE OF SERVICE